

United States District Court

WESTERN DISTRICT OF NEW YORK

HARRIS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04-CV-848A(Sc)

v.

BARNHART

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that defendant's motion for judgment on the pleadings is denied; that plaintiff's motion for judgment on the pleadings is granted and that the action is remanded for further proceedings.

Date: November 7, 2005

RODNEY C. EARLY, CLERK

By: s/Suzanne Grunzweig
Deputy Clerk